

Remarks/Arguments

Claims 1-78 are pending in this application and will still be pending after entry of this amendment. Claims 1, 8, 9, 17, 25, 27, 32, 33, 37-40, 47, 48, 56, 64, 66, 67, 76, and 77 have been amended herein. A petition and fee for a one-month extension is included herewith. An Application Data Sheet is included herewith.

The Examiner has objected to the declaration for not specifying the mailing address and residence address of one of the inventors. An Application Data Sheet is being filed herewith containing the appropriate information as required by M.P.E.P. §§ 602.01 and 602.02.

The Examiner has objected to certain informalities in the specification. Appropriate correction has been made herein, following the Examiner's suggestions. Applicants wish to thank the Examiner for her kind attention to detail and willingness to move the prosecution of this application forward.

The Examiner has rejected claims 1-14, 17-22, 24-26, 29-53, 56-61, 63-65, and 68-78 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,343,279 to Bissonette, et al. ("Bissonette"). MPEP § 2131 provides that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference," and that, "The identical invention must be shown in as complete detail as contained in the . . . claim," as well as that, "The elements must be arranged as required by the claim . . ." The Examiner has failed to show that the "identical invention" is shown in "complete detail" in Bissonette. Applicants' independent claims, as amended, recite either reviewing and adjusting "control settings at a card processor" or communicating "to a payment card processing system at a payment card processor" to adjust approval parameters. The Examiner has cited col. 1, line 40-54, col. 2, line 43-58, col. 3, lines 16-27, col. 4, line 21-59, col. 5, lines 42-57, and col. 7, lines 49-52 or various portions thereof as disclosing these recitations. Applicants cannot find any such disclosure in these portions of Bissonette. All of these portions of Bissonette discuss accounting and processing procedures internal to the card-holder and/or the card-holder's systems. There is no discussion or suggestion of dynamically managing controls at a card processor, which is a part of the existing payment card infrastructure, as described and defined in Applicants' specification, for example, in the

paragraph beginning on line 31 of page 13. Applicants submit that independent claims 1, 17, 40, and 56 are patentably distinguishable from Bissonette for the above reasons. Applicants note that similar recitations were previously present in some dependent claims. However, all other claims in the present application now incorporate these recitations through dependence, and are therefore patentably distinguishable from Bissonette for at least the above reasons.

The Examiner has rejected claims 15, 16, 23, 27, 28, 54, 55, 62, 66, and 67 as obvious under 35 U.S.C. § 103(a) in view of Bissonette. The Examiner admits that the recitations in these claims are not disclosed in Bissonette, but simply takes "Official Notice" that these recitations would be obvious. Notice of facts beyond what is expressly shown in the cited art must be limited to those which are "capable of such instant and unquestionable demonstration as to defy dispute." M.P.E.P. 2144.03(A). These claims are directed to specific features of embodiments of the invention, thus it appears impossible for these recitations to be shown instantly and unquestionably to be present in the prior art, especially given the Examiner's explanation of motivation for making these improvements over the invention to which the base claims are directed. In addition, since the Examiner appears to be relying on Bissonette as already discussed to disclose the recitations of the base claims, the arguments above are equally applicable to this rejection. Thus, Applicants submit that claims 15, 16, 23, 27, 28, 54, 55, 62, 66, and 67 are not obvious in view of Bissonette for at least the same reasons already discussed.

Applicants note that although the arguments above are believed dispositive with respect to all claims in the present application, claims 8, 25, 47, and 64 have been amended herein to recite specific types of controls, including slot and velocity controls. Applicants note that these specific types of controls are for payment cards as disclosed in the present application, and are not taught or suggested with respect to the credit cards described in Bissonette. Support for these recitations can be found in the specification in Tables 1 and 2 and in the discussions thereof. Applicants submit that claims 8, 25, 47, and 64 are patentably distinguishable for Bissonette for at least this additional reason.

Applicants have made additional minor amendments to dependent claims for consistency with the amendments already discussed, and for correct antecedent basis. Applicants trust that these additional amendments will meet with the Examiner's approval.

Applicants believe they have responded to all of the concerns raised by the Examiner.
Reconsideration of this application as amended is hereby requested.

Respectfully submitted,

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